

REMARKS

The Office Action dated June 11, 2010 has been carefully reviewed and the foregoing amendment and following remarks are made in consequence thereof.

Claims 1-6, 8-38, 40-73, 75, 76, and 78-92 are now pending in this application. Claims 1-6, 8-38, 40-73, 75, 76, and 78-92 stand rejected.

The examiner noted that in Applicants' response dated October 29, 2010 Claims 23 and 58 are indicated as amended but the amended wording had not been conspicuously identified. There were no amendments to Claims 23 and 58 in the last amendment and Claims 23 and 58 should have been identified as "previously presented."

The assertion in the Office Action that "Applicant has not specifically addressed the rejection of Claims 1, 23, and 58 under 35 U.S.C. § 112, second paragraph (See Final Office Action filed 7/17/2009)" is respectfully traversed. Applicant responded to this rejection in the response dated September 15, 2009 by amending Claims 1, 23, and 58 and detailing the action in the fourth paragraph under the remarks section of the response, reproduced below:

The rejection of Claims 1, 23, and 58 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Specifically, Claims 1, 23, and 58 have each been amended to clarify when the bonus session is active. For at least this reason, Applicants respectfully request that the rejection of Claims 1, 23, and 58 under 35 U.S.C. § 112, second paragraph be withdrawn.

Applicant respectfully submits that the rejection was satisfactorily addressed and requests that the rejection of Claims 1, 23, and 58 under 35 U.S.C. § 112, second paragraph be withdrawn.

The rejection of Claim 58 under 35 U.S.C. § 101 as being directed to statutory and non-statutory subject matter by not limiting the computer-readable storage to non-transitory storage is respectfully traversed. Claim 58 and its dependents have been

amended in accordance with the suggestion in the Office Action. Applicant respectfully requests that the rejection of Claim 58 under 35 U.S.C. § 101 be withdrawn.

The rejection of Claims 1-6, 8-23, 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, 57, 58, 60, 62-72, 78, 80, 81, 83, 84, 86-89, and 92 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,146,273 to Olsen in view of U.S. Patent No. 5,655,961 to Acres and U.S. Patent Pub. No. 2003/0036418 to Seelig et al. is respectfully traversed.

Olsen describes a controller-based progressive gaming system that includes a controller (200) and a plurality of gaming machines (G) that are coupled together via a network (202). Controller (200) randomly chooses a bonus mode activation trigger, which when satisfied, enables a bonus mode time period. The activation trigger is a valve selected between a high limit value and a low limit value. A current value is tracked in relation to the high and low limit values and to the trigger. The current value is adjusted for each new wager made by a player and/or payout made to a player. During the bonus mode time period, bonus jackpots are made to one or more eligible machines (G), wherein each bonus jackpot is paid to a random winning eligible gaming machine (G). Each time a game is played on a gaming machine (G), the gaming machine (G) generates a play start signal (S) that is delivered to the controller (200). A timer function (350) causes the bonus mode time period to time out after a predetermined time period has elapsed after the game start (S). During the bonus mode time period, the player is eligible to win a bonus jackpot. If the player does not cause the gaming machine (G) to generate another play start signal (S), the player becomes ineligible.

Acres describes a method 550 embodied in software that is executed by floor controllers in a system 10. The floor controllers are responsible for activating or deactivating a bonusing for the individual machines connected thereto. System 10 allows a floor controller to have multiple bonus pools and to associate certain machines with a given bonus pool. Thus, the floor controller can implement multiple

bonusing promotions simultaneously. Notably, Acres does not describe nor suggest a player tracking database communicatively coupled to the gaming machine using a network wherein the database includes a session identifier configured to indicate if a bonus session is active based on whether or not the player received a bonus award during a session.

Seelig describes a system and method for awarding prizes to a player. If a bonus qualifying event occurs, the player is allowed to select between a first prize of a known value and a second prize of an unknown value. The device may display the best possible second prize or subsequent prizes. The value of the second prize may be dependent on the value of the first prize. The player may continue to select between a prize of a known value and a prize of an unknown value until certain events occur.

Claim 1 recites a system for awarding a random bonus award, wherein the system comprises “a gaming machine...a set of bonus awards including at least two bonus awards, including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session...a criterion dependent on at least one of a status of a player and an action of the player...a player tracking database communicatively coupled to the gaming machine using a network, the database comprising a session identifier configured to indicate that a bonus session is active if the player has not received a bonus award from the set of bonus awards during a session...a selector configured to select a bonus award at random from the set of bonus awards if the session identifier indicates that the bonus session is active...an awardee configured to deliver the selected bonus award to the player after the player meets the criterion.”

No combination of Olsen, Acres, and Seelig describes nor suggests a system for awarding a random bonus award, as is recited in Claim 1. More specifically, no combination of Olsen, Acres, and Seelig, describes nor suggests a set of bonus awards including at least two bonus awards, including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during

an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Olsen in view of Acres.

Claims 2-6 and 8-22 depend from independent Claim 1. When the recitations of Claims 2-6 and 8-22 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-6 and 8-22 likewise are patentable over Olsen in view of Acres and Seelig.

Claim 23 recites a method for awarding a random bonus award wherein the method includes “identifying a criterion for the selection of a bonus award, the criterion dependent on at least one of a status of a player and an action of the player...determining that the player meets the criterion...determining that a bonus session is active if the player has not received a bonus award from the set of bonus awards during a session...selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active, the set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session...awarding the selected bonus award to the player.”

No combination of Olsen, Acres, and Seelig, describes nor suggests a method for awarding a random bonus award, as is recited in Claim 23. More specifically, no combination Olsen, Acres, and Seelig describe or suggest selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active, the set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Olsen in view of Acres and Seelig.

Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 depend from independent Claim 23. When the recitations of Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, and 57 likewise are patentable over Olsen in view of Acres and Seelig.

Claim 58 recites a computer-readable medium containing a program to award a random bonus award, wherein the computer-readable medium comprises “software to identify a criterion for the selection of a bonus award, the criterion dependent on at least one of a status of a player and an action of the player...software to determine that the player meets the criterion...software to determine that a bonus session is active if the player has not received a bonus award from the set of bonus awards during a session, the set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session...software to select a bonus award at random from a set of bonus awards if the bonus session is active, wherein the set of bonus awards includes at least two bonus awards...software to award the selected bonus award to the player.

No combination of Olsen, Acres, and Seelig describes nor suggests a program to award a random bonus award, as is recited in Claim 58. More specifically, no combination of Olsen, Acres, and Seelig describes nor suggests a set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 58 is submitted to be patentable over Olsen in view of Acres and Seelig.

Claims 60, 62-72, 78, 80, 81, 83, 84, 86-89, and 92 depend from independent Claim 58. When the recitations of Claims 60, 62-72, 78, 80, 81, 83, 84, 86-89, and 92 are considered in combination with the recitations of Claim 58, Applicants submit that dependent Claims 60, 62-72, 78, 80, 81, 83, 84, 86-89, and 92 likewise are patentable over Olsen in view of Acres and Seelig.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejections of Claims 1-6, 8-23, 25, 27-37, 42, 43, 45, 46, 48, 49, 51-54, 57, 58, 60, 62-72, 78, 80, 81, 83, 84, 86-89, and 92 be withdrawn.

The rejection of Claims 24, 26, 38, 40, 41, 44, 47, 55, 56, 59, 61, 73, 75, 76, 79, 82, 90, and 91 under 35 U.S.C. § 103(a) as being unpatentable over Olsen in view of Acres and Seelig and further in view of U.S. Patent Publication No. 2002/0187834 to Rowe, et al. (hereinafter referred to as “Rowe”) is respectfully traversed.

Olsen, Acres, and Seelig are described above. Rowe describes a system (40) for monitoring game play, wherein system (40) includes a host (44) that stores, manipulates, and/or displays collected data. Game play information is used to update a player profile with play and/or reward information, for example. Player activities may also be associated with points that are accumulated according to, for example, the type of game played, a length of play, and/or an amount of money won or lost by the player. Additionally, awards such as bonuses or “comps” may be awarded based on a variety of criteria. As indicated, in one embodiment a player may be required to meet a number of conditions or criteria. In one embodiment, awards may be randomly assigned to players of gaming machines or other games who are using their player tracking cards. In another embodiment, the awards may be provided only when a player meets other criteria, such as specific game play. In one embodiment, an award may be provided to a player solely at the discretion of gaming personnel. For example, a user of a hand-held device observing a particular player may determine

that the player should be awarded a comp. The user may view the player's play data using the hand-held device and observe that the player has suffered a number of successive losses, and while the player would not otherwise meet other criteria for being awarded a bonus or comp such as having bet a sufficient amount of money over a period of time, the user may award the player an award to dissuade them from stopping play.

Claim 23 is recited above.

None of Olsen, Acres, Seelig, and Rowe, considered alone or in combination, describes nor suggests a method for awarding a random bonus award, as is recited in Claim 23. More specifically, no combination of Olsen, Acres, Seelig, and Rowe describe or suggest selecting a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active, the set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Olsen in view of Acres and Seelig and further in view of Rowe.

Claims 24, 26, 38, 40, 41, 44, 47, 55, and 56 depend from independent Claim 23. When the recitations of Claims 24, 26, 38, 40, 41, 44, 47, 55, and 56 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 24, 26, 38, 40, 41, 44, 47, 55, and 56 likewise are patentable over Olsen in view of Acres and Seelig and further in view of Rowe.

Claim 58 is recited above.

None of Olsen, Acres, Seelig, and Rowe, considered alone or in combination, describes nor suggests a program to award a random bonus award, as is recited in Claim 58. More specifically, no combination of Olsen, Acres, Seelig, and Rowe,

describes nor suggests a set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 58 is submitted to be patentable over Olsen in view of Acres and Seelig and further in view of Rowe.

Claims 59, 61, 73, 75, 76, 79, 82, 90, and 91 depend from independent Claim 58. When the recitations of Claims 59, 61, 73, 75, 76, 79, 82, 90, and 91 are considered in combination with the recitations of Claim 58, Applicants submit that dependent Claims 59, 61, 73, 75, 76, 79, 82, 90, and 91 likewise are patentable over Olsen in view of Acres and Seelig and further in view of Rowe.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 24, 26, 38, 40, 41, 44, 47, 55, 56, 59, 61, 73, 75, 76, 79, 82, 90, and 91 be withdrawn.

The rejection of Claims 50 and 85 under 35 U.S.C. § 103(a) as being unpatentable over Olsen in view of Acres and Seelig and further in view of U.S. Patent Publication No. 2002/0042294 to Pau, et al. (hereinafter referred to as “Pau”) is respectfully traversed.

Olsen, Acres, and Seelig are described above. Pau describes a game machine (10) that includes a video display unit (14) that displays to the player a choice of two or more prize sets, from which a prize is randomly drawn. The prize sets are presented on segments of wheels (50, 52, and 54) that simulate spinning before stopping randomly on a segment that defines the prize outcome won by the player.

Claim 50 depends from Claim 23, which is recited above. No combination of Olsen, Acres, Seelig, and Pau, describes nor suggests a method for awarding a random bonus award, as is recited in Claim 23. More specifically, no combination of Olsen, Acres, Seelig, and Pau describes nor suggests a method that includes selecting

a bonus award at random from a set of bonus awards including at least two bonus awards if the bonus session is determined to be active, the set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Olsen in view of Acres and Seelig and further in view of Pau. When the recitations of Claim 50 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claim 50 likewise is patentable over Olsen in view of Acres and Seelig and further in view of Pau.

Claim 85 depends from Claim 58, which is recited above.

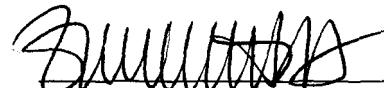
No combination of Olsen, Acres, Seelig, and Pau describes or suggests a program to award a random bonus award, as is recited in Claim 58. More specifically, no combination of Olsen, Acres, Seelig, and Pau, describes nor suggests a set of bonus awards including at least a default award and a plurality of non-default awards wherein the default award is reused after being awarded during an active bonus session and wherein each of the non-default awards is used a single time during the active bonus session.

Accordingly, for at least the reasons set forth above, Claim 58 is submitted to be patentable over Olsen in view of Acres and Seelig and further in view of Pau. When the recitations of Claim 85 are considered in combination with the recitations of Claim 58, Applicants submit that dependent Claim 85 likewise is patentable over Olsen in view of Acres and Seelig and further in view of Pau.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 50 and 85 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



William J. Zychlewicz
Registration No. 51,366
ARMSTRONG TEASDALE LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, Missouri 63105
(314) 621-5070